Remarks

Claims 7, 16 and 29 have been amended to recite "wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs available to a viewer". Support for these amendments can be found, for example, at page 13, lines 4-9 of the Specification.

No new matter has been introduced by these amendments.

I.   Objection to Claim 29

Claim 29 was objected to because of an informality. Claim 29 has been amended herein. Applicant respectfully request withdrawal of the objection to claim 29.

II.   Rejection of Claims 7, 8, and 41 Under 35 U.S.C. §103(a) as Being Unpatentable Over U.S. Patent Number 6,025,837 to Matthews, III in View of U.S. Patent Number 6,536,041 to Knudson and Further in View of U.S. Published Application Number 2004/0205698 to Schliesmann

Claims 7, 8, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,025,837 to Matthews, III ("Matthews") in view of U.S. Patent Number 6,536,041 to Knudson ("Knudson") and further in view of U.S. Published Application Number 2004/0205698 to Schliesmann ("Schliesmann").

Independent Claim 7

Claim 7 is directed to a method for presenting enhanced broadcast television programming. As amended herein, claim 7 recites, *inter alia*:

> receiving enhanced Internet protocol (IP) data that is not provided in a same communications channel as the schedule for the plurality of broadcast television listings, the IP data including an event identifier associating the IP data with one of the plurality of television listings, wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast

television programs available to a viewer, wherein the enhanced IP data is an event-based Extensible Markup Language representation.

Matthews, Knudson and Schliesmann, individually and/or in combination, do not teach, suggest or make obvious these features.

Regarding claim 7, the Office Action provides:

> receiving enhanced Internet Protocol (IP) data (i.e., supplemental content, such as web pages, that correspond to programs are stored at ISP host 84 and transmitted via network 82 to user interface unit 62; Col. 8, lines 1-16) that is not provided in a same communications channel as the schedule for the plurality of broadcast television listings (i.e., program information 46 is provided on a first channel via network 74 and supplemental content, such as web pages, is provided on a second channel via network 82; Col. 10, lines 30-35), wherein the IP data corresponds to broadcast television programming currently available to a viewer (i.e., data structure 48 includes data field 58 which indicates an associated program is interactive and supplemental content, such as a web page or "IP data", can be displayed that corresponds with the program) (Col. 7, lines 22-30; Col. 7, line 54 to Col. 8, line 35; and Col. 10, lines 30-35); (Office Action at pages 3 and 4, emphasis added).

Applicant respectfully submits that Matthew discloses display of "links or 'hyperlinks,' which are symbols or instructions telling the Web browser where to find other related WWW documents on the Internet". (Matthew, col. 2, lines 35-38). Applicant respectfully submits that Matthew does not disclose wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs available to a viewer, as recited in claim 7, as amended herein. Applicant respectfully submits that Knudson and Schliesmann do not cure the shortcomings of Matthew.

Knudson discloses a program guide system is provided in which an interactive television program guide that is implemented at least partially on user television equipment that receives program listings data and real-time data such as sports scores, news data, and the like. (Knudson, Abstract). Applicant respectfully submits that Knudson does not disclose IP data. Thus, Knudson does not disclose wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs available to a viewer, as recited in claim 7, as amended herein.

Schliesmann teaches a system and method for actively alerting the viewer of any television program to the occurrence of one or more content-based events previously specified as desired by the user that occur in other programs and giving that user the opportunity to tune to, record or perform other functions with those programs. (Schliesmann, Abstract). The system integrates data obtained from a data feed with corresponding electronic program data to generate content-based events that the user is alerted to, based on his or her preferences. (Schliesmann, Abstract). Schliesmann discloses the data feeds may in any format such as XML, tab delimited data, etc. (Schliesmann, paragraph [0026]).

Schliesmann allows a user to choose what upcoming events the user wants to receive real-time data alerts about. (*See*, Schliesmann, paragraph [0034]). The real-time data is concatenated to a program channel – and then displayed if it matches the user's selection for notifications. (Schliesmann, paragraph [0037]). Schliesmann identifies specific sporting events (when a specific football team gets within the 20 yard line on offense etc.) – but not disclose data relating to an active status of one or more currently available broadcast television programs. (Schliesmann, paragraphs [0019] – [0025]).

Schliesmann does not disclose IP data. Further, Schliesmann does not disclose receiving enhanced IP data that is not provided in a same communications channel as the schedule for the plurality of broadcast television listings, … wherein the IP data

comprises real-time event data relating to <u>an active status of one or more currently available broadcast television programs</u>, as recited in claim 7, as amended herein. (Emphasis added).

Since claim 7 recites features not taught, suggested or made obvious by the references of record, claim 7 patentably distinguishes over the references of record and is in condition for allowance. Furthermore, dependent claims 8, 9, 11-13 and 41 also patentably distinguish over the references of record and are in condition for allowance.

III. Rejection of Claims 16, 17, and 42 Under 35 U.S.C. §103(a) As Being Unpatentable Over U.S. Patent Number 7,559,073 to Marler in View of Knudson and Further in View of Schliesmann

Claims 16, 17, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 7,559,073 to Marler ("Marler") in view of Knudson and further in view of Schliesmann.

<u>Independent claim 16</u>

Claim 16 is directed to a client system for receiving a broadcast television navigation service. Claim 16 recites, *inter alia*, means for receiving Internet protocol (IP) data that is not provided in a program band of the broadcast television programming, wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs available to a viewer, wherein the IP data is an event-based Extensible Markup Language representation. Marler, Knudson, and Schliesmann, individually and/or in combination, do not teach, suggest or make obvious these features.

Marler discloses identifying ancillary information associated with an audio/video program. (Marler, Abstract). Ancillary information includes program sub-titles, emergency messages, closed caption messages, and program guide information, web pages, multimedia information, or other digital data files. (Marler, col. 1, lines 13-19).

Applicant respectfully submits that Marler does not disclose wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs currently available to a viewer, as recited in claim 16, as amended herein. As discussed above, Knudson, and Schliesmann do not cure the shortcomings of Marler.

Since claim 16 recite features not taught, suggested or made obvious by the references of record, claim 16 patentably distinguishes over the references of record and is in condition for allowance. Furthermore, dependent claims 17, 18 and 42 also patentably distinguish over the references of record and are in condition for allowance.

IV. **Rejection of Claims 9 and 11-13 Under 35 U.S.C. §103(a) As Being Unpatentable Over Matthews in View of Knudson and Further in View of Schliesmann as Applied to Claim 7 Above, and Further in View of U.S. Patent Number 6,421,358 to Stimmel**

Claim 9 and 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of Knudson and further in view of Schliesmann as applied to claim 7 above, and further in view of U.S. Patent Number 6,421,358 to Stimmel ("Stimmel"). Applicant respectfully submits that Stimmel does not cure the deficiencies discussed with respect to independent claim 7 above. Further, claims 9 and 11-13 are dependent claims and are allowable based on their dependency from allowable independent claim 7 as described above. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

V. **Rejection of Claim 18 Under 35 U.S.C. §103(a) As Being Unpatentable Over Marler in View of Knudson and Further in View of Schliesmann as Applied to Claim 16 Above, and Further in View of U.S. Published Application Number 2008/0282294 to Carpenter**

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marler in view of Knudson and further in view of Schliesmann as applied to claim 16 above, and

further in view of U.S. Published Application Number 2008/0282294 to Carpenter ("Carpenter"). Applicant respectfully submits that Carpenter does not cure the deficiencies discussed with respect to independent claim 16 above. Further, claim 18 is a dependent claim and allowable based on dependency from allowable independent claim 16 as described above. Accordingly, Applicant respectfully requests that the rejection of claim 18 be withdrawn.

VI. Rejection of Claim 29 Under 35 U.S.C. §103(a) As Being Unpatentable Over Matthews in View of Knudson Further in View of U.S. Patent Number 6,839,901 to De Saint Marc and Further in View of Schliesmann

Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Matthews in view of Knudson further in view of U.S. Patent Number 6,839,901 to De Saint Marc ("De Saint Marc") and further in view of Schliesmann.

Independent claim 29

Claim 29 is directed to a method for delivering enhanced broadcast television programming data. As amended herein, claim 29 recites, *inter alia*, receiving enhanced Internet protocol (IP) data that is not provided in a same communications channel as the schedule for the plurality of broadcast television listings, the IP data including an event identifier associating the IP data with one of the plurality of television listings, wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs currently available to a user. Matthews, Knudson, De Saint Marc and/or Schliesmann, individually and/or in combination, do not teach, suggest or make obvious these features.

As discussed above with respect to independent claims 7 and 16, Matthews, Knudson and Schliesmann, individually and/or in combination, do not disclose wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs available to a user, as recited in claim

29, as amended herein. De Saint Marc does not cure the shortcomings o Matthews, Knudson and Schliesmann.

De Saint Marc is relied upon in the Office Action as disclosing a visual cue that comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs. (Office Action at page 17). Applicant respectfully submits that De Saint Marc does not teach, suggest or make obvious wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs available to a user, as recited in claim 29, as amended herein.

Since claim 29 recite features not taught, suggested or made obvious by the references of record, claim 29 patentably distinguishes over the references of record and is in condition for allowance.

Conclusion

For the reasons set forth above, claims 7-9, 11-13, 16-18, 29, 41 and 42 patentably and unobviously distinguish over the reference and are allowable. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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